

APPENDIX C

NATIONAL PARK SERVICE
CRITERIA FOR BOUNDARY ADJUSTMENTS
SUPPLEMENT TO PLANNING PROCESS GUIDELINE (NPS-2)
DECEMBER, 1991

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Background

In September, 1989 legislation was introduced in the House of Representatives to authorize the National Park Service to conduct a systematic and comprehensive review of boundaries of units of the National Park System. H.R. 3383 was reported favorably by the House Committee of Interior and Insular Affairs in 1990, but with a strong dissent from some committee members. Although the bill as reported by the Committee was not passed by the House, a substantially narrower substitute addressing this issue was included in the Arizona Desert Wilderness Act adopted in the final days of the 101st Congress.

Public Law 101-628, Section 1216, directs the Secretary of the Interior to develop criteria to evaluate any proposed change to the existing boundaries of individual park units. These criteria are to include:

- (a) analysis of whether the existing boundary provides for the adequate protection and preservation the natural, historic, cultural, scenic and recreational resources integral to the unit;
- (b) an evaluation of each parcel proposed for addition or deletion based on this analysis: and
- (c) an assessment of the impact of potential boundary adjustment taking into consideration the factors listed above as well as the effect of the adjustments on the local communities and surrounding areas.

Section 1217 provides that in proposing any boundary change after the date of enactment (November 28, 1990), the Secretary shall

- (a) consult with affected agencies of State and local governments, surrounding communities, affected landowners and private national, regional, and local organizations;
- (b) apply the criteria developed pursuant to section 1216 and accompany the proposal with a statement reflecting the result of the application of such criteria;
- (c) include an estimate of the cost of acquisition of any parcels proposed for acquisition together with the basis for the estimate and statement on the relative priority for the acquisition of each parcel within the priorities for other lands in the unit and the National Park System.

Current Program

Public Law 95-625, the National Park and Recreation Act, requires the preparation and timely revision of General Management Plans for each unit of the National Park System. Section 604 of that act outlines several requirements for General Management Plans including measures for the protection of the area's resources and "indications of potential modifications to the external boundaries of the unit and the reasons therefore." National Park Service Management Policies adopted in 1988 reaffirm this legislative directive and list five conditions or reasons as criteria for when NPS may recommend boundary revisions:

- *to include significant resources or opportunities for public enjoyment related to purposes of the park

- *To address operational and management issues such as access and boundary identification by topographic or other natural features or roads.

Recommendation to expand park boundaries will be preceded by determination that

- *that added lands will be feasible to administer considering size, configuration, ownership, costs, and other factors.

- *other alternatives for management and resource protection are not adequate.

These criteria are currently being applied by the National Park Service as it develops and update General Management Plans. In some cases special boundary studies are undertaken as a "single issue" amendment to an existing General Management Plan or as an independent project. In any case, the criteria outlined in existing NPS management policies are applied in the planning or study process.

After a careful review of existing criteria, policies, and planning processes, NPS has determined that the current criteria for boundary adjustments contained in the 1988 Management Policies meet most of the requirements of Public Law 101-628. Specifically, Sections 1216 (a), (b), and (c) and 1217 (a) and (b) call for procedures that are already part of the established planning process. Section 1217 (c) requires a statement on priorities that is not part of current procedures but that can easily be incorporated into NPS plans and studies.

Although existing criteria are considered adequate and appropriate in addressing boundary issues, additional guidance on how these criteria should be interpreted and applied may be useful. The following discussion does not change the basic criteria that were published in the 1988 Management Policies after extensive public review and comment. It does, however, offer more detailed information to assist NPS planners in using the criteria in General Management Plans and related studies, and to help the public understand how the criteria are applied. This interpretation of existing criteria has been

developed to be supplement to the NPS planning process guideline (NPS-2) and will be integrate into the guideline when it is next updated.

NPS plans and studies addressing boundary issues usually focus on the potential for additions, but they should take a comprehensive approach to adjustments including deletion as well as additions. Deletions from existing boundaries may be recommended under current guidelines and the directions provided by Public Law 101-628. The following discussion primarily addresses conditions where a boundary addition may be appropriated, but the criteria or examples below also may apply conversely to potential deletion from authorized boundaries.

1. Significant resources or opportunities for public enjoyment related to purposes of the park.

This criterion addresses areas or resources that are “integral” to the existing park unit and are needed to fully carry out the purposes of the park as established by Congress. It focuses on resources that were omitted from the original park boundary inadvertently or intentionally. Inadvertent omissions may be due to limited data about the location or importance of resources when the original boundary was drawn, lines being drawn or mapping convenience rather than to correspond to resources, or technical errors in mapping. Resource also may have been omitted from a park boundary intentionally to reduce initial acquisition costs, accommodate landowner preferences, or avoid conflicts with plans of other agencies. A boundary adjustment may be appropriate where the conditions that led to the omission have changed.

In applying this criterion, several definitions and related points should be considered:

- a. The definition of “significance” in the context of boundary adjustments concerns the relationship of the study area to the resources within the park. It is not necessarily the same standard of significance that would be applied for favorable consideration under this criterion, a potential boundary adjustment does not have to independently meet criteria for “national significance.” It should, however, be very important as a part of the other resources that contribute to or define purposes of the park. To be considered “important,” a potential addition must have a substantial relationship to resources within the park and should enhance or elaborate on those resources rather than simply supplicate them. For example, archeological sites in the Southwest often extend over hundred of square miles both within and outside of park boundaries. Adding a recently discovered site to an existing park could be justified if it is closely related culturally or from the same time period as those the park was established to protect and does not duplicate resources that are adequately represented in the park.

Decisions about adequacy of representation should consider the need for some redundancy to assure protection of the resource. For example, protection of one endangered plant population or type of fragile archeological site may not be adequate to prevent total loss from fire or other catastrophe. Some duplication of resources is often

necessary and appropriate, especially where they are a type that is threatened or endangered.

A resource that independently has national significance also may be present outside existing park boundaries and appropriate for boundary adjustment if it is substantially related to the purposes of the park. A nationally significant resource that is unrelated to the reason the park was established also could be the subject of a boundary adjustment recommendation based on the most efficient management arrangement, but this would require legislation expanding the definition of park purposes. For example, an historic home from the 1920's might be independently eligible to become a new NPS unit, but adding it to a revolutionary war battlefield would be more efficient for administrative purposes. Such an addition would require an expanded statement of purpose for the battlefield including protection of the more contemporary home.

For historic and prehistoric resources, guidance on the question of significance and relationship to the park can be probed by the nomination and review process for the National Register of the Historic Places.

b. In defining park purposes, consideration should first be given to the provisions of legislation (including legislative history) or presidential proclamation establishing the park. However, these sources may not provide very clear or complete statements of intent. Consideration also should be given to how NPS is interpreting and implementing the definition of park purposes through the park's management objectives usually found in the General Management Plan, Statement for Management, Resources Management Plan and other Planning documents.

Purposes of the park also may extend beyond those itemized in an original authorizing act or proclamation. The Antiquities Act, the National Park Service Organic Act of 1916, Historic Sites Act of 1935, Wilderness Act of 1964, National Historic Preservation Act, and Endangered Species Act are examples of additional legislation that may effectively expand the purposes of the park. However, in applying this criterion to a potential boundary adjustment, the phrase "related to the park purposes" should be interpreted to focus on the basic reasons the park was established. For example, the boundary of a park established specifically to protect as Civil War battlefield might be adjusted to include the site of the important battle action, but a prehistoric archeological site would probably not be an appropriate addition to the park under this criterion.

c. Opportunity for public enjoyment is an additional basis for boundary adjustment that does not necessarily depend on significance of the resources. A potential boundary adjustment does not need to have both significant resources and significant opportunities from public enjoyment. Some very important resources may have limited or no capacity for public access. For example, a sensitive natural area or important archeological site may be recommended as a boundary addition on the basis of its value for research even if it is not appropriate for public use. On the other hand, if opportunities for public enjoyment are the reason for a boundary adjustment, these opportunities should be important and have substantial relationship to purposes of the park. Boundary changes to encompass

trails, overlooks, interpretive sites, or attractive areas for camping are examples of what could fit within this criterion if they are substantially related to park purposes.

2. Address operational and management issues such as access and boundary identification by topographic or other natural features or roads.

This criterion addresses lands needed for operational purposes and the advantages of having park boundaries correspond to natural and man-made features that are readily identifiable in the field. Many park boundaries are drawn along section lines or property ownerships that do not correspond to rivers, watersheds, ridges, roads, canyon rims, and similar features that can facilitate cost-effective administration of the park for both law enforcement and resource management responsibilities. Points to consider in applying this criterion include:

a. Operational and management issues involve both park administration and visitor use. Boundary changes to facilitate access for law enforcement, emergency services, or visitor use may be appropriate where current boundary lines make certain parts of the park inaccessible without crossing private ownerships or physical barriers such as rivers and canyons. Some areas within current park boundaries also might be appropriate for deletion or transfer to other ownerships if they do not contain valuable resources, are not needed for public or administrative use, and management is a burden on park operations.

b. Application of this criterion may reveal conflicts between the definition of boundaries based on natural feature and other considerations. Sound realty practices may encourage the use of straight lines for survey purposes and may discourage the severing of single ownerships. Natural features desirable for boundary identifications on the ground may not correspond to ownerships or straight lines. These potential conflicts need to be recognized and resolved with attention to the relative costs and benefits of different boundary configurations. Boundaries between NPS units and other Federal agencies also may involve some administrative considerations different from boundaries separating Federal from private lands. For example, cooperative management agreements for law enforcement that may be possible with another Federal agency would probably not be practical with private owners.

c. Boundary adjustments to include areas needed for employee housing, offices, and other administrative or public use facilities also may fit under the definition in the criterion. In some cases, an adjustment could be appropriate to add land for development of facilities that are to be relocated from sensitive resource areas within the existing park boundary.

Boundary adjustment for this and other purposes are not necessarily limited to additions contiguous to existing boundaries. Although having a single park boundary is desirable for administrative purposes, detached units also may be appropriate where important resources or sites needed for administrative use are not contiguous. The establishment of a detached unit may be desirable where the area to be added is an appropriate size and configuration to allow for administration without being attached to the rest of the park.

The values of resources between the detached unit and the rest of the park are also an important factor to consider. For example, if the intervening areas do not contain important resources, or are already developed in ways incompatible with the park, a detached unit may be preferable to continuous boundary. Detached sites also may be most efficient for employee administrative offices, employee housing, or maintenance facilities that are not desirable to have immediately adjacent to the park. The advantages of creating a detached unit must be balanced with the potential costs of administration and operations.

3. To protect park resources critical to fulfilling the park's purposes.

This criterion concerns adjustments to prevent harm caused by activities on adjacent lands where these activities pose a direct and substantial threat to the continued existence of the park's primary resources and values. These "adjacent" lands may be connected to the park by natural systems or historic associations even if not immediately contiguous. In contrast to criterion 1 which deals with things left out of the park, this criterion addresses boundary changes that are essentially to protect resources within the park.

Park manager have a responsibility to monitor conditions on surrounding lands and be proactive in working with local official or other land managers to encourage uses that are compatible with purposes of the park. Boundary adjustments to address external threats to park resources should be considered a last resort when cooperative efforts have been fully explored and found to be inadequate. Park boundaries cannot and should not expand indefinitely to address problems that originate in a whole or in park outside of the park. NPS policies support cooperation to address these "external" impacts but specifically do not endorse the creation of "buffer zones" where NPS will attempt to exercise some direct control or veto authority over adjacent land uses.

In applying the criterion, the following points should be considered:

a. The need for protection must be clearly defined and the threat must be fully documented. Concerns about the general trend of changing land uses around the park are not sufficient justification for boundary change. Approved plans for commercial development that would block an important scenic vista or documented evidence of how ground water pumping or other water diversion are drying up springs within a park and adversely impacting endangered wildlife populations may be sufficient reasons to suggest a boundary change. While threats must be documented, consideration also must be given to the need to take appropriate action before the resource has been lost, or the cost of protection become prohibitively high.

b. "Critical to fulfilling the park's purpose" should be interpreted to focus on the resources that were the reason for the park being established. For purposes of this criterion, park purposes should be defined by the specific resources referenced in authorizing legislation, subsequent amendments, and related planning documents interpreting park purposes. This definition requires a somewhat subjective judgment about thresholds of threats from adjacent land uses, especially as they may have impacts

on the quality of the visitor experience rather than direct physical impacts on resources within the park. In many areas, some changes in the character and quality of the park's setting are inevitable as land uses change over time. While these may somewhat diminish the quality of visitor experience, they do not usually fall within the scope of "critical" to park purposes. On the other hand, development of adjacent lands might substantially change the historic setting of a battlefield that is essential for interpreting its importance, or modify shoreline processes that would in turn destroy natural features or historic structures that the park was established to protect. Where efforts to mitigate the impacts of such development by working with State, local, or other regulatory programs are inadequate, a boundary adjustment may be appropriate as a last resort to defend park resources.

Protection of wildlife habitat, migratory routes, and related corridors is an important but especially complex and sensitive issue in considering potential boundary adjustments. Habitat loss and fragmentation are a significant threat to the wildlife populations in many parks. Without efforts to protect the natural diversity of plant and animal species, critical park resources may be damaged or lost. However, because wildlife populations may have habitat requirements or migratory patterns that extend over vast areas, boundary adjustments to protect these resources are likely to be seriously limited by feasibility considerations. Plans should consider these regional natural resource issues with special attention opportunities for addressing them in cooperation with other landowners and managers as an alternative to expanding park boundaries.

The first three criteria focus on the quality and character of the resources within or adjacent to the current park boundary. Boundary adjustments may be appropriate for any one of these conditions; all three do not have to be satisfied. However, both of the next two criteria would have to be satisfied before NPS would recommend a boundary adjustment.

4. The added lands will be feasible to administer considering size, configuration, ownerships, costs, and other factors.

This criterion requires an assessment of the practical ability of NPS to manage and operate the revised park boundary. Current staff and park facilities are an important consideration, but may not be an absolute constraint on feasibility to the extent that changes in personnel allocation and funding can reasonably be anticipated in the future. Additional points to consider include:

a. In evaluating size, configuration and ownerships, feasibility of a potential boundary adjustment would depend on the ability of NPS to acquire appropriate interest and manage the land. Size needs to be considered in relation to the rest of the park and the surrounding area rather than any absolute number of acres. Configuration most often relates to natural features such as watersheds or ridgelines, but also may consider potential problems of conflicting uses. For example, a long narrow corridor may not be feasible to manage a park unit due to incompatible adjacent uses or requirements for utility crossings that would damage park values. The costs of surveying, marking,

fencing, and complex ownership patterns, outstanding mineral interest, and owner unwillingness to cooperate or sell land also may be obstacles to the feasibility of boundary adjustment. Plans addressing these issues should consider how cooperation with land trusts or other agencies may overcome some of these obstacles.

b. Cost is also a relative factor that needs to balance benefits to the park with the costs for both acquisition and management. Land currently occupied by high rise condominiums may have important natural or recreational values that could be restored if the buildings were removed, but in such a case the cost of acquisition and restoration would probably make such an action infeasible. Areas suspected or likely to be contaminated with hazardous waste, or where mineral deposits are known to be very valuable are additional examples of situations where cost may be an obstacle to the feasibility of a boundary adjustment.

The issue of cost also must be considered with a long term view of park resources and values. Parks are established to protect resources for the benefit of future generations. Recent experience in several units have revealed that land excluded from a park boundary at one time because it was “too expensive” may be added to the park later in response to immediate development pressures when the cost for acquisition has escalated dramatically. Similarly, the expense of protecting a natural area critical to survival of park wildlife may be much less before development takes place than trying to restore the area after the all trees have been cleared or houses built.

5. Other alternatives for management and resource protection are not adequate.

This criterion recognizes the roles of other Federal, State, and local agencies and private sector as partners in the protection of park resources. Boundary expansions justifiable under any of the previous criteria would not be recommended if alternatives are adequate to protect resources and make them available for public enjoyment consistent with NPS standards.

a. Alternatives may include action by State or local governments and other Federal agencies to use their regulatory or acquisition authorities to manage and control land use changes. Specific examples include local zoning, State and Federal regulations limiting the dredging and filling of wetlands, or private sector initiatives such as acquisition of fee or easements by non-profit organizations for conservation purposes. For land managed by other Federal agencies, plans specifying management objectives compatible with park purpose may be adequate independently for in conjunctions with special designations of wilderness, areas of critical environmental concern, etc. The agency’s ability to manage and enforce these special designations must be considered in determining if these alternatives are adequate.

Although management certain lands by another neighboring agency may be consistent with park purposes, considerations of administrative efficiency may support addition to a park. For example, where a small parcel of land under the jurisdiction of BLM is

adjacent to NPS unit but far way from other BLM areas, addition to the park could help reduce costs for management.

b. The adequacy of alternatives requires an assessment of the quality of protection provided and the potential for change over time. While local plans and zoning ordinances might call for the retention of land in agricultural use compatible with the park, a jurisdiction's experience with frequent changes in zoning could lead to a finding that the protection is not adequate. Conversely, alternatives may not currently be available but commitments by other agencies to adopt special designations or apply regulations within a reasonable period of time may lead to a finding that NPS boundary adjustment is not necessary.

Applying the Criteria

The Secretary of the Interior has certain authorities to make minor boundary adjustments in existing park units (16 USC 4601-9 and individual park authorizing acts). These authorities generally require consultation with local elected officials, notice to Congressional committees, and publication of revised maps in the Federal Register. The criteria outlined above are intended to address situations that would require action by Congress rather than the minor adjustments that can be accomplished administratively.

The requirements of Section 1216 in applying these criteria are currently a regular part of the NPS planning process:

1. An analysis of whether existing park boundaries provide adequate protection is an integral part of General Management Planning as outlined in the Planning Process Guideline (NPS-2). Boundary issues are also considered in resource management plans, land protection plans, and other plans or special studies.
2. Evaluation of each parcel proposed for addition or deletion also are part of the established NPS planning process. In this context, the term "parcel" is usually considered to mean each area under consideration. This may include land in one ownership or several ownerships with roughly similar resource values and characteristics.
3. The assessment of impacts on local communities and surrounding areas also is accomplished within the NPS planning process, and is documented in the preparation of environmental assessments or impact statements as outlined in the NEPA guideline (NPS-12.)
4. Section 1217 calls for consultation with affected agencies of State and Local governments, surrounding communities, landowners, and national, regional, and local organizations. This requirement is routinely accomplished through opportunities for public involvement in the planning process that may include newsletters, public workshops and meetings, formal opportunities for comment on draft plans, and individual consultation with interested individuals or organizations. NPS guidelines and procedures also include detailed requirements for consultations with State Historic Preservation

Officers pursuant to Sections 106 and 110 of the National Historic Preservation Act, with Tribal governments and Native Americans, and with other interested organizations. NO additional requirements or guidelines beyond what appears in the current NPS-2, NPS-12, and related Management Policies are considered necessary to address this point.

5. Section 1217 (c) requires an estimate of acquisition costs, basis for the estimate, and a statement on relative priorities within the park as well as priorities in relation to other lands to be acquired for the National Park System.

Cost estimates, including an explanation of each estimate's basis, are regular part of any proposal for boundary adjustment. Priorities are generally established in land protection plans (LPP's) after land is authorized for acquisition. TO meet the requirements of this section, a boundary adjustment proposal will include a general statement on priorities of the potential addition in the same type of categories used in the park's land protection plan, or categories would be defined for parks where no LPP has been prepared.

The Administration's Numerical Federal Land Acquisition Priority Ranking System is not now applied to land proposed for a boundary adjustment until it is authorized for acquisition. A statement on relative priority within the National Park System in categories of high, medium, or low, can be prepared considering resource values, threats, ability to obligate funds, and other factors. Although this statement is not currently a regular part of NPS studies or plans, it will be included in future boundary proposals. Such estimates will usually be developed by the Washington Office in consultation with NPS Regional Offices.

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